

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 4, 5, 7, 9, 17-18, 20, and 28-33 are presently active; Claims 1-3, 6, 8-16, 19, and 21-27 having been canceled without prejudice, and Claims 4, 5, 7, 9, 17-18, 20, and 28-33 having been presently amended,

In the outstanding Office, Claims 1, 2, 8, 14, 15, 19, 21, and 31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Murakami (U.S. Pat. No. 5,062, 144). Claims 3, 6, 11, 12, 13, 16, 19, and 24-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murakami in view of Yun (U.S. Pat. No. 6,075,623). Claims 4, 5, 17, 18, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murakami in view of Yun and further in view of Kaneko (Jap. Pat. 401233874). Claims 7, 20, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murakami in view of Yun and further in view of Munakata et al (U.S. Pat. No. 6,217,143). Claims 9, 10, 22, 23, 32, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murakami in view of Yun and further in view of Yamada et al (U.S. Pat. No. 6,456,324).

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejections based on Munakata et al as the asserted combinations of Munakata et al with the other applied prior art references appear to be based on impermissible hindsight reconstruction.

The court in In re Mercier, 185 USPQ 774 (CCPA 1975) stated that

The board's approach amounts, in substance, to nothing more than a hindsight "reconstruction" of the claimed invention by relying on isolated teachings of the prior art without considering the over-all context within which those teachings are presented. Without the benefit of appellant's disclosure, a person having ordinary skill in the art would not know what portions of the disclosure of the reference to consider and what portions to disregard as irrelevant, or misleading. See In re Wesslau, 53 CCPA 746, 353 F.2d 238, 147 USPQ 391 (1965).

In the present invention, if a read range of the read roller amounts to a range exceeding one round (or revolution) of the read roller (for example, 2 or 3 rounds), the width of the blocks is set so that when the surface of the read roller amounting to one round is divided into the blocks, a fractional block is created. Hence, with respect to the same surface portion of the read roller, it is possible to obtain an average value of a plurality of blocks of different ranges. As a result, the density of the white-shading data can be kept uniform so as to enable a high-quality image-reading.

On the other hand, according to the image printing method and apparatus of Munakata et al, the print head (ink-jet head) scans in a direction intersecting the transport direction of the print medium (such as paper). When printing the image, Munakata et al divide the image into a plurality of lines, and the transport quantity of the print medium is made the same for each line, and the transport error of the print medium is suppressed so as to print a high-quality image. As noted on page 9 of the Office Action, Fig. 23B of Munakata et al show that, when the length of the print medium in the transport direction is L and an image having a length K in the transport direction is to be repeatedly printed, if the length K is larger than the print width X of one scan, a fractional recording is made with respect to a print portion which is obtained by subtracting the print width X from the length K .

However, Applicants respectfully submit that Munakata et al merely propose a technique for repeatedly printing the image in the printing method and apparatus where the print head scans in the direction intersecting the transport direction of the print medium. Munakata et al do not disclose or suggest the problems related to the image reading and the white-shading, which problems are to be solved by the present invention. Accordingly, Munakata et al do not disclose or suggest any means for solving such problems, such as for

example those defined in the claims of the present invention, and do not disclose or suggest the advantageous effects described above which are obtainable by the present invention.

Therefore, Applicants submit that there is no motivation to combine the teachings of Munakata et al with the isolated teachings of Murakami and Yun. Hence, a combination of the teachings of Munakata et al with the teachings of Murakami and Yun is based on improper hindsight reconstruction, that is, based on the knowledge gained by reading the claims of the present application.

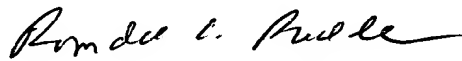
Hence, for the foregoing reasons, it is believed that Claims 7, 20 and 29 and the claims dependent therefrom are not obvious from a combination of Murakami, Yun and Munakata et al, and thus are allowable.

Finally, Applicants respectfully request that the Information Disclosure Statement filed July 15, 2004 (a copy of which is available in the U.S. Patent and Trademark Office Patent Application Information Retrieval System) be initialed and returned with the next office action.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Ronald A. Rudder, Ph.D.
Registration No. 45,618

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
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